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November 16, 2022

By ECF

The Honorable Denise Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Request for Adjournment of Pretrial Conference
Pena v. Cajun Express, Inc. and Vista Yacht Cruises, Inc.
SDNY Civil Action No. 22-cv-1125-DLC
Our Ref: 35240

Dear Judge Cote:

We represent Defendant Vista Yacht Cruises, Inc. ("Vista") in the above-referenced action and write to respectfully request that the Pretrial Conference presently scheduled for December 2, 2022, be adjourned to a date of the Court's convenience, sometime after late January 2023.

We request such an adjournment because, to our knowledge, Defendant Cajun Express, Inc. ("Cajun") has not appeared yet. On October 28, 2022, the Court granted Plaintiff's request to extend the time to effectuate service on Cajun until December 27, 2022 (Dkt. 21). We respectfully submit that, as matter of efficiency and fairness to Vista's co-defendant, the negotiation of a proposed discovery order (which was already done once prior to Plaintiff filing his First Amended Complaint to join Cajun as a party) and the submission of a Rule 26(f) report should be done after service has been effected to provide Cajun with an opportunity to appear and participate. This is Vista's second request for an adjournment of the Initial Pretrial Conference.

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We have conferred with Plaintiff's counsel and they consent to Vista's adjournment request. The parties are presently available to appear on any succeeding Friday in late January/early February 2023 except February 17, 2023.

We thank the Court for its consideration of the foregoing and stand ready to answer any questions that the Court may have with respect to Vista's adjournment request.

Respectfully submitted,

HILL RIVKINS LLP

Charles M. Henderson, III

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Cc: All counsel of record (via ECF)

*The conference is adjourned
to 1/27/23 at 3:30 pm
Jesse Cole
11/16/22*